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P&G Case P-114

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Patent Application of :
Michael G. Hayek : Confirmation No. 1823
Serial No. 09/291,227 : Group Art Unit 1617
Filed April 13, 1999 : Examiner: Shengjun Wang
For LUTEIN-CONTAINING SUPPLEMENT AND PROCESS FOR ENHANCING
IMMUNE RESPONSE IN ANIMALS

REPLY UNDER 37 CFR § 1.111

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Office Action dated November 5, 2002 for the above-identified patent application, please consider the following remarks. Attached hereto is a Petition for Extension of Time, and the fee required under 37 C.F.R. § 1.17(a)(3), providing for a timely response up to and including May 5, 2003.

REMARKS

Claims 1 and 3 - 11 are pending. The Examiner has rejected the claims based on 35 U.S.C. § 103(a) in view of Ito *et al.*, U.S. Patent No. 5,937,790 ("Ito"), in combination with Jyonouchi *et al.*, "Immunomodulating Actions of Carotenoids: Enhancement of *In Vivo* and *In Vitro* Antibody Production to T-Dependent Antigens," Nutrition and Cancer, Vol. 21, No. 1, pp. 47 - 58 (1994) ("Jyonouchi"), Anon (IDS, March 22, 2002) ("Anon"), and Krinsky, "Effects of Carotenoids in Cellular and Animal Systems," Am. J. Clin. Nutr., Vol. 53, 238S - 46S (1991) ("Krinsky") and CRC Handbook of Toxicology. This rejection is traversed in view of the presently pending claims as follows:

Ito is the primary reference relied on by the Examiner. Ito relates to compositions containing L-ascorbic acid-2-phosphoric acid or L-ascorbic acid-2-glucoside as active ingredients for the alleviation of stress in animals. Ito states that these agents are readily susceptible to